

April 8 2010

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

FILED

APR 08 2010

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STATE OF MONTANA

JEFFREY T. RENZ

Patrick Griffin, Intern  
Criminal Defense Clinic  
School of Law  
The University of Montana  
Missoula, Montana 59812  
(406) 243-5127

Attorneys for Petitioner/ Appellant

IN THE SUPREME COURT OF THE STATE OF MONTANA

Supreme Court Cause No.

JEFFERY WEER,

Appellant,

-v-

STATE OF MONTANA,

Appellee.

**MOTION AND AFFIDAVIT IN  
SUPPORT TO PROCEED ON  
APPEAL WITHOUT PAYMENT  
OF FILING FEE**

I move this Court to proceed without payment of the filing fee in this cause, and I submit this Affidavit in support of my motion. I, Jeffery Weer, being first duly sworn, depose and say that I am the Petitioner/Appellant in the above-entitled case; that in support of my motion to proceed on appeal without being required to prepay fees, costs or give security therefore, that

because of my poverty I am unable to pay the costs of said proceeding or  
1 give security; that I believe I am entitled to redress; and that the issues  
2 which I desire to present to this Court are the following: whether the district  
3 court erred by finding that the Montana Highway Patrol had reasonable  
4 suspicion or probable cause to believe that I was driving under the influence  
5 of alcohol or committed any other offense.

6 I further swear that the responses which I have made to the  
7 questions and instructions below relating to my ability to pay the cost of  
8 prosecuting the appeal are true.

9 1. Are you presently employed?

10 No.

11 a. If the answer is yes, state the amount of your salary or wages per  
12 month and give the name and address of you employer.

13 b. If the answers is no, state the date of you last employment and  
14 the amount of the salary wages per month which you received.

15 December 2010. \$1,000.

16 2. Have you received within the past 12 months any income from a  
17 business, profession or other form of self-employment, or in the form of  
18 rent payments, interest, dividends, or other source?

19 No.

a. If the answer is yes, describe each source of income, and state the amount received from each during the past 12 months.

3. Do you own any cash or checking or savings account?

Yes.

a. If the answer is yes, state the total value of the items owned.

\$700.00

4. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)?

Yes.

a. If the answer is yes, describe the property and state its approximate value.

IRA of \$2,000. Real property \$44,000. 2002 Ford F-250, \$5,000. 1990 Ford pickup (inoperative) \$100.

5. List the persons who are dependent upon you for support and state your relations to those persons.

None.

1  
2 I understand that a false statement or answer to any question in this  
3 motion and affidavit will subject me to penalties for perjury.  
4  
5  
6

7 3-30-10

8 Jeffery A Weer  
JEFFERY WEER

9  
10 SUBSCRIBED and SWORN to before me this 30<sup>th</sup> day of March,  
2010.



Geri L. Fox  
Geri L. Fox  
NOTARY PUBLIC, State of Montana

Residing at Missoula, Montana

My Commission Expires: 12-1-2010